



Atty. Dkt. No. 040302-0592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takeshi KIMURA et al.

Title: METHOD AND VEHICLE REACTING TO THE
DETECTION OF AN IN-PATH OBSTACLE

Appl. No.: 10/591,467

International 3/2/2005

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Examiner: Helal A. ALGAHAIM

Art Unit: 3663

Confirmation 1871

Number:

**RESPONSE TO ELECTION OF SPECIES AND
RESTRICTION REQUIREMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated March 17, 2009, Applicants hereby elect the claims of Group I, claims 1-16, 19-20, and 21-27, and the species of: species 1 of Group A, species 2 of Group B, species 1 of Group C, species 1 of Group D, and species 1 of Group E for prosecution in the subject application with traverse. Claims 1-6, 9-12, 15, 16, 19, 20, and 22-27 are readable on the elected species, and claims 1, 2, 15, 16, 19, and 20 are generic.

Applicants traverse the lack of unity finding set forth in the Office Action. The Office suggests on page 2 of the Office Action that only one apparatus and one process is permitted but does not provide any support in the PCT rules for such a requirement. For example, PCT Rule 13 does not set forth such a requirement. Furthermore, the Office argues on pages 2-3 of the Office Action that the common technical feature of the three inventions argued by the Office do not provide a contribution over the prior art and lists several references. However,

the Office does not identify the common technical feature or where such a common technical feature is found in the prior art. Thus, the Office has not established a lack of unity finding. For at least these reasons, Applicants respectfully request that the lack of unity finding be withdrawn.

Applicants, of course, reserve the right to file a divisional application covering the subject matter of any non-elected claims and/or to receive consideration of claims to additional species as provided by 37 CFR 1.141, upon allowance of any claim that is generic.

Upon allowance of the elected claims, Applicants will be permitted to request rejoinder in accordance with MPEP 821.04 and *In re Ochiai*, 71 F.3d 1565 USPQ2d 1127 (Fed. Cir. 1995).

Receipt of an Office Action on the merits is awaited.

Respectfully submitted,

Date: April 14, 2009

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